

**UNITED STATES DISTRICT COURT**  
for the

Western District of Virginia

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ROANOKE VA. - FILED

APR 09 2008

BY: JOHN F. CORCORAN, CLERK  
DEPUTY CLERK

United States of America )

v. )

David Allan King )

) Case No: 7:06CR00098-009

) USM No: 12454-084

Date of Previous Judgment: November 14, 2007 )

(Use Date of Last Amended Judgment if Applicable) )

) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): \_\_\_\_\_

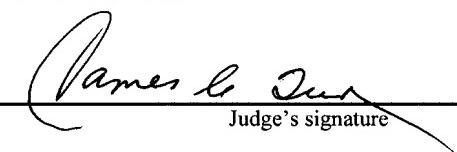
**III. ADDITIONAL COMMENTS**

Guidelines computations for the defendant did not include any quantity of crack cocaine, only quantities of cocaine powder, marijuana, anabolic steroids, and ketamine. As the defendant was not sentenced under the crack cocaine guidelines, the 2007 amendments to those guidelines do not affect his sentencing range. Thus, he is not eligible for a sentence reduction under those amendments.

Except as provided above, all provisions of the judgment dated 11/14/2007 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: April 9, 2008

  
\_\_\_\_\_  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

James C. Turk, Senior United States District Judge  
Printed name and title